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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

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13 Andres Gomez,
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15 Plaintiff,

16 vs.
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18 Decker Bullock Dreyfuss Inc. &

19 Gates Estates, Inc.,
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21 Defendants,
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CASE NO.: 3:21-cv-07147-WHA

The Honorable William Alsup

**REQUEST FOR ADDITIONAL
TIME TO FILE AN ANSWER**

Hearing Date: 05/19/2022

Hearing Time: 11:00 AM

1 Plaintiff, Mr. Andres Gomez, alleges he is visually impaired. Mr. Gomez has filed
2 a series of complaints against real estate agents operating in Napa (see below). The
3 complaints are carbon copies of each other. They each allege, in essence, that he
4 was unable to navigate an agent's website and was, as a result, prevented from
5 using his/her services. Aside from injunctive relief, he seeks damages under the
6 Unruh Act. These are a few of the cases Mr. Gomez has filed recently.

7 Matter: Gomez v. Corro, Case Number: 3:21-cv-07085-SI, United States District
8 Court, Northern District of California, The Honorable Donna M. Ryu

9 Matter: Gomez v. Gates Estates, Inc., Case Number: 3:21-cv-07147-SK, United
10 States Courthouse, San Francisco Courthouse , The Honorable Sallie Kim

11 Matter: Gomez v. Naimo, Case Number: 4:21-cv-07328-SBA, United States
12 District Court for the Northern District of California (Oakland), The Honorable
Saundra Brown Armstrong

13 Matter: Gomez v. Smith, Case Number: 3:21-cv-07154-JCS, U.S. District Court
14 California Northern District (San Francisco), The Honorable Joseph C. Spero

15 Matter: Gomez v. Sperow, Case Number: 4:21-cv-07852-YGR, United States
16 District Court for the Northern District of California (Oakland), The Honorable
Yvonne Gonzalez Rogers

17 Matter: Gomez v. The Magliocco Group Inc., Case Number: 3:21-cv-07148-JCS,
18 U.S. District Court California Northern District (San Francisco), The Honorable
19 Joseph C. Spero

20 Defendants, named above, are represented by this attorney. This attorney has
21 deposed Mr. Gomez in an unrelated case brought in the Central District (*Gomez v.*
22 *Aslan*, Case Number: 21STCV17753, Superior Court of California, County of Los
23 Angeles, The Honorable Gregory Alarcon).

24 Defendants intend to file motions to dismiss for lack of standing, on the grounds
25 that the online service the real estate agents operate are not connected to brick and
26 mortar facilities. In other words, presence at a real estate agent's office is not vital
27 in the search, selection and purchase of a property. Mr. Gomez, essentially, has not
28 alleged an injury-in-fact coupled with the purported intent to return to a
"noncompliant facility," in order to have standing.

1 Mr. Gomez's claim, in addition, defies logic. Mr. Gomez cannot possibly qualify
2 for a loan. He relies on SSD benefits, which pays roughly \$900/mo., aside from the
3 fact that he has been unemployed for a decade or more.

4
5 Defendants have initiated a dialogue; met and conferred with various counsels
6 assigned to Mr. Gomez' cases. Having met and conferred, defendant, Gates
7 Estates, Inc., respectfully requests leave to file a motion to dismiss under 12(b)1. In
8 addition, these defendants seek to have these cases consolidated for the purpose of
9 reducing the cost of defense, and the burden on the Courts.

10 Defendant Gates Estates, Inc., therefore, respectfully seeks leave to file the motion
11 on or before December 12, 2021. This should give the parties additional time to
12 resolve their differences, if possible. If the parties do not reach agreement, this
13 defendant will then file its motion to dismiss.

14 Finally, all defendants also seek additional time to explore the possibility of
15 consolidating these cases, before resorting to motions. Defendants may also elect
16 to have Mr. Gomez post a bond under Code of Civil Procedure 1030, given he is
17 domiciled in the state of Florida.

18 **Date:** November 22, 2021
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22 _____/s/ Ara Sahelian_____
23 Ara Sahelian, Esq.
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